

United States Court of Appeals
For the Eighth Circuit

No. 12-3357

Frank R. O'Brien, Jr.; O'Brien Industrial Holdings, LLC

Plaintiffs - Appellants

v.

U.S. Department of Health and Human Services; Sylvia Mathews Burwell, in her official capacity as the Secretary of the United States Department of Health and Human Services; United States Department of the Treasury; Jacob J. Lew, in his official capacity as the Secretary of the United States Department of the Treasury; United States Department of Labor; Thomas E. Perez, in his official capacity as Secretary of the United States Department of Labor

*Defendants - Appellees*¹

Catholic Medical Association; Christian Medical Association; Liberty, Life, and Law Foundation; Archdiocese of St. Louis; Ethics and Religious Liberty Commission of the Southern Baptist Convention; Women Speak for Themselves; Bioethics Defense Fund; Life Legal Defense Foundation; Association of American Physicians & Surgeons; National Catholic Bioethics Center; Institutional Religious Freedom Alliance; American Association of Pro-life Obstetricians & Gynecologists; Physicians for Life; National Association of Pro Life Nurses; Association of Gospel Rescue Missions; Prison Fellowship Ministries; Association of Christian Schools International; National Association of Evangelicals; Patrick Henry College; Christian Legal Society; David M. Wagner;

¹Pursuant to Federal Rule of Appellate Procedure 43(c)(2), the following automatic substitutions of public officers occur: Secretary Burwell for Kathleen Sebelius, Secretary Lew for Timothy Geithner, and Secretary Perez for Hilda Solis.

Bradley P. Jacob; Charles E. Rice; Common Good Foundation; Catholic Online, LLC; Common Good Alliance; Council for Christian Colleges & Universities

Amici on Behalf of Appellants

National Health Law Program; Americans United For Separation of Church and State; The Center for Reproductive Rights; American Public Health Association; Guttmacher Institute; National Family Planning & Reproductive Health Association; National Latina Institute for Reproductive Health; National Women's Health Network; Physicians For Reproductive Choice and Health; Professor James Trussell; Professor R. Alta Charo; Professor Susan F. Wood; Reproductive Health Technologies Project; American Civil Liberties Union; American Civil Liberties Union of Eastern Missouri; Anti-Defamation League; Interfaith Alliance Foundation; Unitarian Universalist Association; Unitarian Universalist Women's Federation; National Council of Jewish Women; Religious Coalition for Reproductive Choice; Union for Reform Judaism; Hadassah, the Women's Zionist Organization of America, Inc.; Central Conference of American Rabbis; Women of Reform Judaism; National Women's Law Center

Amici on Behalf of Appellees

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: October 24, 2013
Filed: September 8, 2014
[Published]

Before RILEY, Chief Judge, COLLOTON and KELLY, Circuit Judges.

PER CURIAM.

In light of Burwell v. Hobby Lobby Stores, Inc., 573 U.S. ___, ___, 134 S. Ct. 2751, 2785 (2014), the appellants' complaint submits a facially plausible claim for relief under the Religious Freedom Restoration Act (RFRA), 42 U.S.C. § 2000bb-1(a) to (c). See Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). It thus appears unnecessary to address the appellants' remaining claims, see Hobby Lobby, 573 U.S. at ___, 134 S. Ct. at 2785, and the doctrine of constitutional avoidance particularly counsels us not to give unnecessary answers to constitutional questions, see, e.g., Ashwander v. TVA, 297 U.S. 288, 345-48 (1936) (Brandeis, J., concurring).

We reverse the Federal Rule of Civil Procedure 12(b)(6) dismissal of the appellants' RFRA claim, vacate the dismissal of the appellants' remaining claims without expressing any view on the merits, and remand for further proceedings consistent with Hobby Lobby.
